

PROCEEDINGS

AT THE

SALES OF LAND AND TENEMENTS

FOR THE

County of **SURREY**
For the County of **SURREY**

Kingston upon Thames

of his Majesty's Court of Com-
mons; and Martin Wright Esq.
one of the Justices of his Majesty's
Court of King's Bench; and to hold
the same before the King's Bench, and to
take all Affidavits, Certificates, &c.
&c. and others his Majesty's Justices
of the County of Surrey.

Names of the Jury.
William Gellwell Esq.
John Gellwell Esq.
James Cooper Esq.
Richard Gellwell Esq.
Richard Gellwell Esq.
Richard Gellwell Esq.
Richard Gellwell Esq.
Richard Gellwell Esq.

Second ASSISTANTS in the Sheriffalty
OF THE
Worshipful **THOMAS BEVOIS Esq.**

High Sheriff of the County of **SURREY**
for the YEAR 1742.



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PROCEEDINGS

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AT THE
Assizes of the Peace, Oyer and Terminer,
For the County of SURREY.

BEFORE His Majesty's Court of Common Pleas; and Martin Wright, Esq. one of the Justices of his Majesty's Court of King's Bench, assign'd to hold Pleas before the King's Bench, and to take all Assizes, Certificates, Trials, &c. and others his Majesty's Justices of Oyer and Terminer, and Goal Delivery for the County of Surrey.

Names of the Jury. H H T

William Goswell,	John Martyr,
John Fisher,	Thomas Tyrell,
Henry Oades,	James Cooper,
William Price,	Nicholas Forster,
Richard Butt,	Matthias Wallis,
Samuel Cook,	Henry Hichens,

William Ruff, otherwise Case, and Thomas Smith, otherwise Piggott, were indicted for that they not having the

aided before the said Assizes, but being indicted and returned by the Indictment of the Devil, on the 15th Day of May, in the 16th Year of his Majesty's Reign, at Ripley in the Parish of Scund, in and upon Joseph Nettlefold, did make an Assault; and that he the said William Ruff, otherwise Case, feloniously, wilfully, and of his Malice aforethought, with a Pistol, value 12 d. which he then and there had and held in his Right Hand, which said Pistol being loaded with Powder and Ball, he the said William Ruff discharged and shot off, whereby the said Joseph Nettlefold on the Left Side of the Body, under the Left Breast, did receive one mortal Wound of the Length of a Quarter of an Inch, and the Depth of five Inches; of which mortal Wound he instantly dy'd. And Thomas Smith, otherwise Piggott, for aiding, abetting, assisting, comforting and

* Piggott is the Prisoner's right Name. He was indicted at the Assizes held for the County of Essex about eight Years ago, and capitally convicted for a Robbery on the Highway, and received Sentence of Death, but by the Intercession of some Friends, he was reprieved, and order'd for Transportation, but return'd before his Time was expir'd. His Brother was condemn'd for a Robbery on the Highway, but Lent Assizes held for the County of Sussex, but had likewise the good Fortune to be reprieved, and is the Person who was mentioned in the News Paper to be taken by some Gentlemen that were hunting near Farnham.

and maintaining him the said William Roffe to commit the said Murder, contrary to the King's Peace, his Crown and Dignity, and the Form of the Statute in that Case made and provided.

They were a second Time indicted by Virtue of the Coroner's Inquisition for the said Murder.

They were a third Time indicted for firing a Pistol at John Chatfield, Gent. with intent to kill him.

They were a fourth Time indicted for assaulting Peter Delaport, Esq; on the King's Highway, in the Parish of Thames Ditton, putting him in Fear of his Life, and feloniously taking from him one Watch with the outside and inside Cases made of Silver, value 40s. a Chain value 2s. a Seal, value 1s. a Half Guinea, and 14 Shillings in Monies numbered, the Goods and Property of the said Peter Delaport, Esq; on the 15th of May last.

Mr. Chatfield. On the 15th of last May as I was returning from London to Ripley, where I live, about two Miles and a half from thence, at the Brow of a Hill, just by Red Hill, I saw, as I thought, three or four People; and as I advanced, a Man on Foot came towards me. I suspected that they had no good Design, and observ'd the Man narrowly to see if he took any Notice of me as he pass'd; but he did not so much as cast an Eye at me, but kept forward, so that I thought it was only a casual Meeting of People on the Road. The two Men at the Bar were on Horseback, Piggot on a grey Horse, and Roffe on a black one. I thought they had no Intent upon me, and therefore I kept on, but in a different Track from that which the Prisoners rode in. When I first saw the People together on the Hill, I had a Suspicion, but the

Man who pass'd me on Foot, as I observ'd before, taking no Notice, and the Prisoners being but indifferently mounted, I did not imagine they had any wicked Design; but I was mistaken. As soon as they came up with me, the Prisoner Piggot turn'd his Horse's Head, and bid me Stop. I catch'd hold of my Bridle, clapt Spurs to my Horse, and made off as fast as possible. Piggot fir'd a Pistol immediately at me. I saw the Smoke and heard the Report of it. Immediately after another Pistol was fir'd, but I think Piggot could not fire it, so that I suppose Roffe the other Man fir'd it. I rode on, and they pursued me for more than a Quarter of a Mile, but could not come up with me. All the Way I rode I called out Highwaymen! Highwaymen! and Mr. Turner's Man hearing me, was in Pursuit of the Prisoners. He will give an Account of that. When I came to Ripley, I alarm'd the Town, and told the People I had been pursued by Highwaymen. I had three Horses in the Stable, and had got Persons to mount them to pursue the Prisoners; but as I went down the Lane which leads to my House, I saw the Prisoners again come riding, along as fast as they could, just by my own Gate. They both had a Pistol in their Right Hand, and their Horses's Bridle in their Left. Roffe rode foremost, and Piggot follow'd him as fast as he could. I knew them again, and said to the Men who were in Pursuit, "These are the Fellows that attack'd me." I was just behind Piggot, who turn'd his Horse about, and fir'd his Pistol at me again, but it miss'd me. Roffe rode towards the Green, where some Men were playing at Cricket, one of whom was shot in endeavouring to take him. Piggot was laid hold on, and carried

into

into a Publick House, and Roffe was taken soon after. As soon as Piggot was secur'd, I went to the Place where the Murder was committed and saw Joseph Nettlefield, the Person who was shot, with his Hand up to his Breast. The Pistol which Roffe shot was taken from him, and he was secur'd.

Court. Pray, Sir, was Piggot secur'd before the Pistol was fir'd that killed Joseph Nettlefield.

Mr. Chasfield. I did not hear the Report of that Pistol. If he was seiz'd, it could not be above half a Minute before the Murder was committed.

Court. It will be very material to know then, if Piggot was in Custody before Roffe fir'd the Pistol which killed Joseph Nettlefield, he cannot be convicted of the Murder. He had no Power when secur'd to assist, aid, or abet Roffe, as the Indictment sets forth.

Mr. Chasfield. I think Piggot was taken first. They were not a great way from one another.

Court. Pray, Sir, from the Place where Piggot was seiz'd, could you see to the Green where Joseph Nettlefield was shot.

Mr. Chasfield. No, my Lord, I could not, because there is a Cottage in the Road which hinder'd my seeing it.

Court. You think, Sir, that Piggot was taken before Roffe fir'd the Pistol.

Mr. Chasfield. It was just before.

Court. You have not mentioned what Time of the Day it was when you first saw the Prisoners by Red Hill.

Mr. Chasfield. It was about seven in the Evening, or a Quarter after. I cannot be positive to the Time exactly.

Richard Williamson. As I was coming from London with my Master, just

by Red Hill, I heard two Guns or Pistols fire, I cannot tell which. They fir'd so immediately one after the other that one could scarce tell which.

Court. Could the Man that fir'd the first Pistol disengage himself so soon to fire the second so soon after.

Williamson. I believe not. I think it impossible. My Master was in a Chaise, but in a different Track, because the Roads were not so heavy. I saw Mr. Chasfield come riding along towards Ripley, and calling out Highwaymen, and the two Prisoners were pursuing him, but finding that his Horse was good, and that they could not overtake him, they turn'd back, and made towards London. I desired my Master to let me pursue them, which he agreed to. Piggot was on a grey Horse, with a blue-grey Coat on. I had a Brace of Pistols, and followed them, but before I came up with them, I met one Anthony Underwood, and he agreed to go with me. We saw them go gently on towards London, and thought it would be best to gallop after them, which we did. They perceiv'd us gallop, and they immediately mended their Pace, and rode up Red Hill as fast as possible. We soon got up after them, and look'd towards London, but we lost sight of them. There is a Bye-Road, with a little House in it, and this Road I took, and my Partner rode towards Cobham, but I had not gone 40 Yards before I spy'd them both riding along, on which I call'd out to my Partner, and told him they were gone this Way. On this he join'd me again, and we pursued them into a narrow Lane, where we lost sight of them again. This Lane led to a Common, where we saw them again, and I believe they thought they had lost us, but we beginning to gallop after them, they rode

rode on, and got into another Lane which has two Turnings. My Partner went one Way and myself the other. I happen'd to take the right Road, which brought me to a Common, where some Boys were playing at Cricket. I ask'd the Boys, if two Men on Horse-back had not rode by them. They told me they saw the Prisoners, and that they were not got a Quarter of a Mile before me. I got off the Common, and my Partner did not come up with me again till we got within half a Mile of Ripley. This was in a Lane, where Piggot got off his Horse, and made a Stop, and swore he would shoot us, if we made any further Pursuit. My Partner and I had each of us a Pistol, and I drew mine, and told them we were determin'd to take them, for (said I) our Horses are good, and we have Fire Arms, and we will never leave you. Piggot swore he would kill us, but we did not mind him. I told my Partner if he would watch them, I would ride to Ripley, and get Assistance, at the same Time giving him a Caution not to go too near them, for fear one of them should fire and do him a Mischief. I had not rode 40 Yards before I saw Piggot mount his Horse, and both of them go forward again. On this I turned back, fearing they would get away from my Partner. By this Time the Town of Ripley was alarm'd by Mr. Chatfield, and several People were coming to our Assistance when we came into the Town. Piggot was making his Way towards London, but finding he was beset, took the Guildford Road. I intended to ride against him, which he perceiving, and having a Pistol in his Right Hand, he let it fly directly at me, but it pleased Almighty God that it missed me. I laid hold of his Collar instantly, and in the struggle we both

fell from our Horses, and several Men came to assist me. I told them, they might take the other Man, for that his Horse was fir'd, and he could not go much further. The Words were hardly out of my Mouth before I heard a Pistol go off. I do not think it could be half a Minute after Piggot was off his Horse. When we had put our Horses in the Stable, we carried Piggot into an Ale-house, and secur'd him, I saw Mr. Underwood take out of his pocket this Watch, and some Money, which was laid on the Table, and counted over, and there appear'd to be seven Half Guineas, and one Guinea in Gold, and 27 s. 6 d. in Silver, and some Farthings. When I went out of the Ale-house, which was in less than ten Minutes after Piggot was seiz'd, the people who had taken Roffe were bringing him along towards me. I saw my Master amongst them, and I told him that Piggot was in Custody. My Master told me that Roffe had stor'd a Man; and presently I saw the Man brought along dead in a Chair.

Court. Do you know who that Watch belonged to that was taken from Piggot?

Williamson. No, my Lord.

Court. What Time of the Day was it when you began to pursue the Prisoners on Red Hill?

Williamson. About seven in the Evening, and in a Quarter of an Hour we took them.

Court. You say you heard the Report of the pistol which Roffe fir'd.— Now recollect yourself, if it was fir'd before you laid hold of Piggot?

Williamson. Really there could not be half a Minute's Difference. It was just as Piggot and I fell from our Horses in the Struggle.

Court. Do you know any more of this?

Williamson. No, my Lord, I do not.

Anthony Underwood. I assisted 'Squire Turner's Man to pursue the Prisoners. It was on the 15th of May about about 7 o'Clock at Night, I had been with a Load of Hay and was going home to Oaking, and had got a Horse to carry to Grass, and at Esler I borrowed a Bridle and Saddle to ride with. I went thro' Cobham, and as I sat drinking a Pint of Beer, Mr. Chatfield came galloping along without Hat or Wig, and call'd out Highwaymen. I presently took the Alarm, and before I had got 100 Yards up the Hill, I saw the Prisoners riding together, and when I came into the Road, I met Mr. Turner's Man, but I was in Pursuit of them before I met him. Seeing him have two Pistols, I ask'd him if they were loaded; and he informing me they were, I borrowed one of him, and he kept the other himself, and we agreed to stand by one another, and pursue them till we took them. They perceiving that we follow'd them up the Hill, they mended their Pace, and when we came to the Top of the Hill we lost Sight of them, but soon came up with them again in a Bye Road which leads to a Common, and pursued them thro' another Lane, which brought us to a Common, where some Boys were playing at Cricket, who told us which Way they went. The End of this Common brought us to a Lane where the Roads parted, so I went one Road, and Mr. Williamson the other; but we met again in the Lane where the Prisoners were, and call'd out to them to surrender. Piggot quitted his Horse, but Roffe sat on his; and Piggot swore if I did not

return back he would shoot me. I told them we would never part with them till we had took them. My Partner said he would go to Ripley, and call Assistance, which Piggot hearing, he mounted again, and was riding away. My Partner saw this, and instantly return'd. The Prisoners rode towards Mr. Chatfield's House, and we follow'd them, and the Town being alarm'd, they were beset on all Sides. My Horse being frightened, ran away; and as Piggot was endeavouring to escape, he fir'd off a Pistol at Williamson, which miss'd him. When Piggot was seiz'd, he was carried to Edward Martin's at the Black-Boy, and there I search'd him, and took from him a Silver Watch, and 6l. 3. in Money, Gold and Silver, and six Farthings and one Half-penny. In about eight or ten Minutes Roffe was brought into the Black-Boy, for he was taken about the same Time.

Court. Do you know any thing of Roffe's firing the Pistol that kill'd the Man.

Underwood. I cannot say, that I saw or heard any Pistol fire, but that which Piggot shot off at Williamson.

Edward Jaquez. I live at Ripley. On Saturday the 15th Day of May, a Neighbour came to my House, and told me that Mr. Chatfield the Under-Sheriff of this County had been attack'd, and shot at by Highwaymen. I was surpriz'd, and as soon as I had finished what I was about, I went down to the Green, where there were two Cricket Matches, and told the People there what I had heard. While I was talking, Roffe came riding down the Green on a Gallop, with a Pistol in his Right Hand, and his Horse seem'd to be tir'd. Just as he got opposite the Cricket Players, I heard a Noise from the Upper End of the Street, Stop Thief!

Thief! Highwaymen! Joseph Nettlefold, the Deceas'd, was in, and had a Bat in his Hand, but did not throw it at Roffe. He was playing with Richard Child, and others, and one Thomas Nettlefold, a Stander-By, took up a Brick-Bat, and threw at Roffe, which happen'd to hit his Horse's Head, by which Blow the Horse plung'd forward, and fell down Man and all. Roffe got up on his Knees, and the Cry was, Knock him down, knock him down. The two Nettlefolds and Child advanc'd to seize him, but on seeing his Pistol, they drew back. Presently after I heard the Pistol go off. I am sure the Prisoner Roffe shot it. I do not know who it was levell'd at, but it shot Joseph Nettlefold dead. No-body else shot a Pistol, for there no one in Company had a Pistol. After this a great many People ran up, and I amongst the rest. There were 40 or 50 People on the Common, but all of them did not go up to seize the Prisoner. I believe about 10 or 12 might go. I saw the Deceased drawing back, with his Hand on his Breast, and the Blood running out of his Mouth. Lord have Mercy upon me (said I) what is the Matter! the Man is shot! and then he dropt down. I call'd a Surgeon, and desired some People to get a Chair to place him in. The Surgeon came instantly, and said he could do him no Service, for the Wound was mortal.

Court. Did you hear the Deceas'd say who shot him?

Jaquez. I did not hear him speak. He could not speak, more than saying I am shot. He did not live a Quarter of an Hour after this. I can tell you what I heard the Prisoner Roffe say afterwards.

Court. Then go on.

Jaquez. After we had seiz'd him, both he and Piggot were carried before Brigadier Onslow, and I, amongst the rest of our Neighbours, went to hear their Examination. They were the same Night brought back to Ripley, and lodg'd at my House, and some of the Neighbours sat up all Night with them. As Piggot sat in one Corner of the Room, and Roffe in the other, I went up to Roffe, and asked him how he could kill a Man that never harm'd him? He reply'd, That he had no Intent to do it, but that he was much in Liquor, and knew not what he did.

Court. Do you think the Pistol produc'd is the same which Roffe shot off?

Jaquez. I have good Reason to believe it is. The Person who took it from him is since dead. It is the same his Widow deliver'd to me, and it has never been out of my Custody since.

Court. Do you know any Thing of Piggot?

Jaquez. I did not see him 'till after he was seiz'd.

Richard Child. I was shot through the Shirt. I do not know the Man that did it, but it was the same Man that shot Joseph Nettlefold. It was the Man that was knock'd off his Horse.

Court. Look at the Prisoners, and tell us which of them it was that shot you? [— Here the Witness view'd both the Prisoners, but could not take upon him to say which of them it was that fir'd the Pistol.] The Man who shot Joseph Nettlefold came riding down the Green with his Pistol in his Hand, and swore he would shoot the first Man that came near him. Thomas Nettlefold ran at him, and he snapt his Pistol, and it miss'd Fire, and I was the next. He presented the Pistol

Pistol, and it went off, and the Ball went thro' my Shirt. [Then the Witness produc'd his Shirt, and shew'd it to the Court] and kill'd Joseph Nettlefold. I really was in so great a Surprise, that I cannot say positively which of the Prisoners fir'd it. I never heard Joseph Nettlefold speak. I can say nothing as to Piggot, he was secur'd before I saw him.

Thomas Nettlefold. I was standing on Ripley Green, on the 15th of May last, to see some People play at Cricket. The Deceas'd, Joseph Nettlefold, was one who was at play. I heard a Cry of Stop Thief, and saw the Prisoner Roffe come riding down the Green with a Pistol in his Hand. I imagin'd he was the Man whom the Outcry was made about, and catching up a Brick-Bat, I flung at him with a Design to knock him down; but it miss'd him, and hit his Horse's Head, on which the Horse stagger'd, and the Prisoner fell over his Neck. I advanc'd to seize him, on which he presented his Pistol at me, but it miss'd Fire. I retreated, and then Child went up towards him. He cock'd his Pistol again, and it went off, and shot Child thro' the Shirt, and kill'd Joseph Nettlefold dead. The Deceas'd walk'd a little Way from the Place where he was shot, and dropt down in a Minute. I went up, and shook Hands with him. He cou'd hardly speak, and died in about a Quarter of an Hour after. I am his Cousin. I saw Edward Tawbut take a Silver Watch from him, and a Pistol, and a Purse. I am sure this is the Purse, and believe the Watch and Pistol are the same.

Katharine Tawbut. This is the Watch that my Husband deliver'd to me. He is dead since these Men were taken up. I am sure the Watch,

Pistol, and Purse are the same. My Husband said he must produce them in Court.

Robert Nettlefold. As I was standing at my own Gate about seven in the Evening on the 15th of May, I saw both the Prisoners come riding along. I live hard by Mr. Charfield's, and hearing him cry out Highway-men, I call'd out too; on which Piggot put his Hand behind his Coat, and pulling out a Pistol, snapt it at me, but it missing, he cock'd it again, and fir'd it off at Mr. Charfield. I laid hold on him, and took his Pistol from him. Williamson also laid hold on him, but he could not secure him without my Assistance. I believe the Pistol that Roffe fir'd went off after we had unhors'd Piggot. I cannot say that Piggot assisted him in the Murder, tho' it was but a very short Time after we we had seiz'd him that the Pistol went off. When Piggot was in Custody at the Black-Boy, I went down on the Green, and saw the Deceas'd. The Blood was running out of his Mouth, and he was put into a Chair and dy'd soon after. I did not hear him speak, so could have no Talk with him who was the Person that shot him.

Court. While you were struggling with Piggot, did he call out to Roffe to encourage him?

Nettlefold. I did not hear him.

Court. Could you see from the Place where you seiz'd Piggot, to the Green where the Man was kill'd?

Nettlefold. It is not possible, because a House stands in the Way.

Mr. Monkton, Surgeon. On the 15th Day of May last, about 7 in the Evening, I was sent for to the Place where Joseph Nettlefold was shot, and when I came there I found him on his Hands and Knees. I call'd for a Chair, which was

was brought, and by my Directions, the Deceased was put in it. I undress'd him, and found the Wound was about four Inches above his Left Breast. When I probed it, there came out a frothy Matter. I found the Ball had penetrated the Lungs, and am sure that the Wound was the immediate and real Cause of his Death. When I had examin'd the Wound, I look'd at him as he sat in the Chair and found him dead.

Court. Did the Deceased give you an Account how he came by his Death?

Surgeon. He never spoke a Word after I saw him. He could hardly groan.

Court. You can be certain that the Wound was given by a Bullet?

Surgeon. I can safely say it was.

Court to Mr. Chatfield. You hear, Sir, that the Witnesses all agree that Piggot was seiz'd, and in Custody before Roffe shot the Man.

Mr. Chatfield. It could not be above half a Minute.

Court. There is a Case not unlike this in Hale's Pleas of the Crown.— Jackson and four others attack'd a Gentleman on the Road, and committed a Robbery, and being pursued, Jackson turn'd on his pursuers, and killed one of them. There were three persons in Company with him, but the fourth was seiz'd before the Murder was committed. And it was the Opinion of five Judges that this Man could not be aiding or assisting in the Murder, on which he was acquitted, and the other four found guilty.

Mr. Delaport was sworn, and deposed, that the Watch produced was his property, and the same which Piggot took from him on the 15th of May last, and which was found on Roffe on Ripley Green, after he had shot Joseph Nettlefold. Mr. Delaport was

asked, if Piggot was alone, when he committed the Robbery, and he answered in the Affirmative.

My Lord, summing up the Evidence to the Jury, took particular Notice of that Circumstance of Piggot's being in Custody before the Murder was committed. They went out, and return'd in 13 Minutes, and found William Roffe guilty of wilful Murder, and acquitted Piggot.

Then they were both again set to the Bar, and arraign'd for the Robbery on Mr. Delaport.

[Mr. Delaport was called, who appear'd and was sworn.]

Peter Delaport, Esq. On the 15th of May last, as I was in my Coach, in the Lane, which leads from Ditton Marsh to this Town, I was attack'd by Thomas Piggot, one of the Prisoners, who came up to my Coach with a Pistol in his Hand, and demanded my Money. He put his Hat into the Coach, and after I had given him two Half Guineas and 14 or 15 s. in Silver, he demanded my Watch, which I also gave him. There were two Ladies in the Coach with me, and when he had robbed me, he called out to the Ladies, your Purse, your Purse. One of the Ladies drew her Purse strings, and as his Hat was in the Coach she put the Money into it, and the other Lady gave him Purse and all.

Did you see any other Man near the Coach when he robb'd you?

Mr. Delaport. I only saw Piggot. When he had robb'd us, he rode off.

Prisoner. Pray Mr. Delaport are you sure that I am the Man that robbed you?

Mr. Delaport. I am very positive you are the Man, or I should not swear in

Prisoner. Then, my Lord, as the Gentleman is so positive, I will give the Court no further Trouble.

Court. Do you own you was the Man that robbed him.

Prisoner. I was in Liqueur. I do not know what I did. I hope you will be favourable.

Court. You must not expect any Favour. A Man of your Name has receiv'd too much Favour.

Thomas Legg. As I was driving my Master in Dilton Lane the 15th of May, he was robbed coming down the Marsh, I saw a Man in a blue grey Coat mounted on a grey Horse, but did not distrust he was a Highwayman till he came within 100 Yards of me. He then came up to the Coach, and order'd me to stop. I stop the Coach, and the Prisoner with a Pistol in his Hand demanded my Master's and the Ladies Money, and demand'd their Bloods, and said if they did not deliver he would shoot them dead.

Court. Can you take upon you to say Piggot was the Man who attack'd the Coach?

Legg. He bid me stop, or stand, I know not which, and swore if I did not he would shoot me dead. He is the very Man, for I have known him from a Child. I saw the Money in his Hat, of which he robbed my Master and the Ladies, when he rode away. There was no one near the Coach when he robbed it, only some Country People working at some Houses near the Road before us.

Henry Leigh. I was behind the Coach when a Man came up and order'd the Coachman to stop. I cannot say either of the Prisoners are the Man. I think Piggot is like the Man. The Reason I could not take particular Notice was, that when he order'd the Coachman to

stop, I look'd at him, and he told me if I did not hold my Head the other Way he would blow my Brains out.

Mr. Chatfield was called again, and examined. He deposed that when he went through Kingston, in his Way to his House at Ripley, he look'd on his Watch, and found it exactly Six of the Clock. — And then gave the same Testimony as to meeting the Prisoners on Red Hill, and their Behaviour, as he did in the former Trial.

The Evidence for the King having gone through their Depositions, the Prisoners were severally called on to know what they had to say in their Defence?

Prisoner Roffe. I never committed a Robbery in my Life. I am very young, I hope your Lordship will be merciful to me. I had no intent to Murder the Man.

Piggot. I was very much in Liqueur, my Lord, I did not carry Pistols to do any Mischief. I was concern'd with some Gentlemen Smugglers, and carried Fire Arms only to frighten them. The Watch that was found on this young Man he had of me. He never was concern'd in the Robbery.

Court. You was in Company together at Red Hill. Don't you know one another?

Piggot. Yes, my Lord, we have been acquainted but a short Time.

The Jury found both the Prisoners guilty of the Indictment. Death.

William Crap, of the Parish of Walton upon Thames, was indicted for assaulting Thomas Clark and throwing him down upon the Ground, whereby the said Thomas Clark received several mortal Bruises, of which he languish'd from the 25th of May to the 27th of the same Month, and then dy'd.

(He was a second Time charged by Virtue of the Coroner's Inquisition for Manslaughter.

James Clark. I am a Farmer, and the Father of the young Man that was kill'd. Henry Taylor came to me on the 25th Day of May to call me to my Son, who he said was very ill at the Castle of Walton. I thought the Lad might be in Liqueur, but when I came to the Castle I found he could not stand. He told me he had been thrown down on the Ground, and said, Father, all you can do for me is to get me Home, and put me to Bed. The Landlord and I, and another young Man that's here carried him home and put him to Bed, and I sent for Dr. Danley to let him Blood, and desir'd he would give him any Thing that would do him Good, but the Doctor said it was in vain, for he was a dead Man. His Ribs and Back were black, and had no use of Hand or Leg, or Finger or Toe. I observ'd the Bruises before he dy'd. He tried to get something down, but nothing would go thro' him one Way or the other. He dy'd on Thursday between two and three o'Clock. But before he expir'd, I ask'd him how he came by those Bruises, which I believe caus'd his Death. He told me he had been barbarously used by William Gray, that young Man the Prisoner. I then ask'd him if he forgave him. He said, I freely forgive him, as I hope God will forgive me, and I hope Father, you will forgive him too. After my Son was dead, I sent my Brother to Sir James Edwards to know if it was a Coroner's Affair, and Sir James informing him it was, on the Saturday I came to Kingston and told the Coroner of it, and ask'd him if I must have a Jury to fit on my Son; or if I must bury him without. As it was Market Day, and

the Coroner knowing I had some Business in the Market, he desir'd me to call again, and he would let me know. I call'd in two Hours after, and took a young Man with me, whom the Coroner examin'd, and then told me he could grant a Warrant without a Jury, which he did, and I paid him his Fee, which I think was 10s. This Warrant I carried to our Minister, who told me he would bury my Son whenever I pleas'd. My carrying so late at Kingston on the Saturday, prevent'd my burying him that Night, but the next Day he was buried. In 16 Days after by an Order of the Bench of Justice he was taken up, and the Coroner being sent for was oblig'd to summon a Jury before he was bury'd again. I never saw him after he was taken up, nor do I know what Condition the Body was in.

Prisoner. Pray Mr. Clark did not your Son say to you, that it was his own seeking?

Clark. He never said such a Word.

A Juryman. I have heard that he said so.

Clark. Never to me. I am upon my Oath.

Court. Was your Son in a good State of Health before this Misfortune?

Clark. A hale lusty young Man. That Day this happen'd, he had been at a poor Man's Burial, and had help'd to carry him to the Ground.

George Wheggy. I was at the Castle when Mr. Clark's Son came in. He was in May 1660, but I don't know what Day. He sat down, and drank two Glasses of Beer with me, and got up to go towards the Fire-place to light his Pipe. He clapt his Hand gently on William Gray's Shoulder, which Gray resent'd, and they had Words. I do not know the Words particularly, but

but they were about Fighting. The Landlord of the House came in, and said he would have no Quarrelling. The Deceased said he did not want to quarrel, and he would give the Prisoner a Mug of Beer to make it up with him. They were going out to fighting, and the Deceased went out first, but the Door was shut, so that the Prisoner could not follow, and the Deceased carried out a Quarter of an Hour, till they both agreed to be quiet, and then he came in again. They began arguing again, and at last agreed to go out into the Yard and Fight, and went out by themselves in the Dark. It was about 12 at Night. They call'd for a Candle, and the Landlord carried one, for fear they should fall into a Well. I followed the Landlord, and saw them both strip to the Skin. The Prisoner ran his Head against the Deceased's Belly, and catching hold of both his Hand, pitch'd him upon his Shoulders and Neck. Clark never struck Gray that I saw. I did not see any Blow given on either Side. I believe Clark might step forward to engage Gray. It was not a paved Yard where the Deceased fell; there was pretty large Stones, but I could not see if he fell upon them, because it was very Dark. Clark could not stand when he was taken up. — They were both in Liquor, but the Prisoner not so much as the Deceased. He was brought into the House by three or four People, and laid on Chairs till three o'Clock in the Morning, when his Father came. He complain'd of Cold, and said he had been barbarously used by William Gray. He said Gray had murder'd him.

Henry Taylor. I saw nothing of the Battle. I came into the Castle and fell fast asleep, and when I waked I saw a Man lie on the Tiles. I thought he had been in Liquor. I took him up,

and shook him, and he cast (vomited.) I gave him some Water, and he cast again as soon as he had drank it. I laid him on the Chairs, and cover'd him, and kept him warm. About three in the Morning I called his Father, but he was not at home, so I left Word with his Mother. When his Father came, I assist'd to carry him home, and I heard he died at three in the Afternoon.

Thomas Cobbet. I am Master of the Castle at Walton. On the Night this happened, the Prisoner, his Brother Thomas, John Steed, and Joseph Fielder were all drinking together round the Fire. As the Deceased came in I went to take Care of a Gentleman's Horse who came from London, and lay at my House that Night. The Prisoner and he began to quarrel about the Deceased's laying his Hand on the Prisoner's Shoulder. The Deceased said he would give him a Mug of Beer to be Friends, and shake Hands with him, but Gray refused to do so. Clark strip and went out to fight, but I shut the Door to prevent the Prisoner's following him. The Bell rung in another Room, and I went out, and when I came in again, I found them both strip. [Here Mr. Cobbet gave the same Account of what pass'd in the Yard as the former Witness had done.] His Father was sent for about three o'Clock, and I wheel'd him home in a Wheelbarrow. He said he would make us all amends, if he liv'd, but he dy'd when I was at Farnham Fair. I believe the Fall was the Cause of his Death.

The Prisoner called Joseph Fielder and John Steed to prove that the Deceased insisted on fighting. Henry Scamprey, William Parker and James Elliot gave the Prisoner the Character of an inoffensive peaceable young Man. Guilty of Manslaughter.

Elizabeth, the Wife of Henry Radford, of the Parish of Croyden, was indicted for feloniously stealing one Silver Spoon, in the Dwelling-house of Thomas Wilkinson.

Mr. Wilkinson said that he employed the Prisoner in his House as a Chawwoman, and that he had mislaid several Spoons, and had given Notice to Mr. Gawthorne, a Silversmith, if a Spoon mark'd R. M. came to him to swap it; which Mr. Gawthorne accordingly did.

Mr. Gawthorne said that Vincent brought him the Spoon, and he gave him 3s. 3d. for it, which was the Worth of it.

Thomas Vincent said the Prisoner brought the Spoon to him, and he lent her 2s. upon it.

The Prisoner said she found the Spoon, and that she never robb'd any body in her Life.

John Page said he had known her nine Years; that she look'd after a Lunastick at his House, and had it in her Power to have robb'd him, but that she never did; that he had so good an Opinion of her, that if she was acquitted, he would take her again into his Service.

John Martin had known her between seven and eight Years, and never heard any thing dishonest of her.

John Heathfield. I have known her Years, and never heard any thing amiss of her. Acquitted.

Mary Brington, was indicted for privately stealing a Silk Purse, value 10d. and 27 Guineas in Gold, the Property of John Waghorn, from the Person of the said John Waghorn, in the Parish of St. Saviour, Southwark, on the 18th of April last.

Mr. Waghorn. On the 6th of August I had been in the City, and sold

some East-India and South-Sea Securities, for upwards of 100l. I had 27 Guineas in my Purse, and had left with a Friend some Bank Notes. As I was coming through the Borough towards St. George's Church, this Man pick'd me up, and carried me into a House in Ax-and-Bottle-Yard. There was no one with me, Man or Woman but herself. I saw a Candle in the Room, and went to Bed, and put my Breeches under my Head. When I wak'd, my Money and Purse was gone, and the Prisoner too. I never heard any thing of her till six Weeks after I had lost my Money, and then she was taken in the Mint, but would confess nothing. I have no other Witness. I own I was the worse for Liquor. I know no more of it. Acquitted.

Jane Taylor, was indicted for stealing a Duffel Coat, value 12s. the Property of John Browne, in the Shop of the said John Browne, April 15.

Mr. Browne said that he was a Tailor in King-street in the Mint, and that the Prisoner came into his Shop, and asked if he had got any Handkerchiefs, &c. He told her he had none, and she going away hastily, he suspected that she had robb'd him of something, and immediately went to the Coat. He follow'd her, and found her at a Ginshop in Peter-street, and challeng'd her with the Robbery, but she deny'd it; that he found the Coat under her Petticoat, and knew it was the same he lost.

The Prisoner said she knew nothing of it; that the Prosecutor beat her and us'd her ill. She call'd Eliz. Smith to her Character, who said she had known her from a Child, and never heard an ill Character of her. Guilty of Hoagie Felony.

Two Mares were indicted for stealing two Mares of a black Colour, value 15l. in the Grounds of Jonathan Pickard, in the Parish of Lingfield, on the 6th of this Instant August, the Property of the late Jonathan Pickard.

Mr. Pickard. Yesterday night I lost two Mares out of my Ground. I had them cry'd at Grove, but had no Account of them till I heard a Man was seiz'd at Gravesend in Kent with them. I went to Gravesend, and found Mr. Hyton the High-Constable had taken the Prisoner, and stop'd the two Mares. I went to Gravesend Gaol, and there I saw the Man. It is the same Man now at the Bar. I ask'd him how he came to steal them. He said he was sorry for it, and desired I would be merciful to him. He told me, he had sent two Men to acquaint me, that he had taken them, and confess'd the whole — that he took them out of my Field just after Lingfield Clock struck nine, having the same Day been to take a View of them, that he might know he lik'd them.

John Hyton. I am High-Constable of Gravesend, and being informed, by Thomas Hammond, that Gloyer had two Horses, I laid hold on him. I suspected that he did not come honestly by them, because when he liv'd at Northfleet he had but a very indifferent Character. He has been gone from our Neighbourhood above a Year, and I know nothing of him since; but when I went to take him up, I ask'd him how he came by the two Mares; he said they were his Master's. — I ask'd him who was his Master, — he said, what that to me, — I seiz'd him in the Cage, and when Mr. Pickard came, he said they were both his Mares. The Prisoner acknowledged, he had stolen them both before he went

to be examin'd by the Mayor, and afterwards by the Justices.

Thomas Hammond. Last Saturday Morning, about four o'clock, as I was looking out of my Chamber Window at Northfleet, I saw the Prisoner come riding along on one Horse, and leading the other. — I could not tell if they were Horses or Mares. He had an old Sack for a Saddle. As he had but a bad Character I suspected he had stolen them. I asked him where he was going with them. He told me, to Gravesend. He liv'd at Northfleet; he was my Neighbour; I have known him these eight Years and a half, but I cannot say he ever robb'd me. I follow'd him to Gravesend, and gave Notice to the High-Constable, and he was taken up, and confess'd that he had stolen them.

John Bullen. I met the Prisoner last Saturday Morning about a Quarter of a Mile below the Man's House. I follow'd him on Horseback to Gravesend, where the High-Constable seiz'd him, and had him before the Mayor. He said at first that he bought the Mares at Bristol for 20l. but afterwards he confess'd that he stole them.

Michael Wood. I am Servant to Mr. Pickard, the Prosecutor. These Mares were lost out of a Field belonging to my Master at Lingfield. When my Master had Notice that they were at Gravesend; I went there with him, and saw the Prisoner in Gaol on the Sunday Night. I talk'd with him, and he told me that he had stolen them, and said he had broke a Fence in the Field where he carried them over. When I came home I examin'd the Place where he told me, and found the Fence was broke.

Prisoner. I have nobody to speak for me. I hope you will be favourable.

The

The three Marcs were found upon my butler was Richard Nicholas and Robert Dunsford, that, Stephen, they ran away, and I was taken Guilty, Death.

James Bates was indicted for breaking and entering the Dwelling-house of Sarah Law, Widow, about the hour of 12, at Night in the Parish of Glapstoad, on the 12th of April last, and stealing thereout 2 lb Weight of Cheese, one Pair of Cloths, one pair of Shoes, two pair of Brits, Scales, and other Things, the property of the said Sarah Law. The Jury acquitted him of the Burglary, and found him guilty of Felony only.

John Johnson was indicted for stealing 200 pair of Gloves, value 4 l, in the Dwelling-house of Francis Sugdin, April 20.

Mr. Sugdin said that the Prisoners were both his Servants, and he being ill, Marrow, he challenged her with stealing Gloves from him. She confess'd as she was going to Gaol, and told him that he might find some of his Gloves at Mr. Parnell's in the Mint; and he accordingly went thither and found 32 pair.

Mr. Parnell said Johnson had brought 22 pair of Gloves to his House, and Marrow brought the other 10 pair; that he had cry'd them; and that Johnson demanded them, and said they were her Property.

Johnson in her Defence said, That the Prosecutor gave her the Gloves to lie with her when her Mistress was sick. Marrow said, her Master told her he would be favourable to her, if she would confess. Both Guilty of Felony.

William Lamb and Mary, his Wife, were indicted for breaking and entering the Dwelling-house of Thomas Vicary in the Parish of Trentham, and stealing 8 Yards of Dowlas, and other Linnen. Acquitted.

Small James was indicted for stealing a pair of Worsted Stockings in the Dwelling-house of William Howard of Godalmin. Guilty.

Robert Fules was indicted for stealing a Silver Watch, value 50 s, the Property of Robert Fules, in his Dwelling-house, June 15.

Mrs. Fules. The Prisoner was employed to mend our House. He is a Bricklayer; since he had finished the Chimney, he came to stop some holes in my Chamber, where my Watch hangs. He was away suddenly, and my Watch was missing, leaving all his working Tools behind him. We saw the Marks of his hands on his shirt. I never saw my Watch again.

Mrs. Fules confirmed her Husband's Evidence.

The Prisoner called William Strong to his Character, who said that he was a poor honest industrious Man. Thomas Hendley head Robert Boldwin gave him a good Character; and Mr. Battell said he would employ him if he was out of Trouble. A Gentlewoman who lived at Wendley Down said she had known him 20 Years, that he had worked in, and been Satisfactory Rents, and always behaved well.

John Johnson was indicted for stealing 5 Guinea's in Gold and 27 s in Silver, the Money of John Bull. Acquitted.

John Johnson was indicted for uttering a counterfeit Shilling, knowing it to be false. It appeared by the Testimony of Jonathan Bedford, that he took a bad Shilling of the Prisoner, for which he gave him Change for a pint of Beer; that when he was search'd there were 26 bad Shillings found upon him in a Bag. Mr. Jewell, a Constable, confirm'd this. The Prisoner said a Man who lodg'd in his House dy'd, and left him a Coat, and it being the first Time he wore the Coat, he did not know there was any bad Money in it.

He

He call'd Thomas Flower, Thomas Onley and Robert Dorrington to his Character, who all said he was an honest Man. Guilty.

Margaret Webster was indicted for stealing a Silver Tea Spoon and Strainer, and a pair of Silver Spurs, the Property of John Melton.

The Prosecutor said that the Prisoner liv'd with his Mother, and took the Things, and went away with them; that when she was taken, she confess'd she had stolen them, and sold them to a Silver Smith at Aldgate, where by her Direction he found them. She said nothing in her Defence. Guilty.

John Carr was indicted for stealing one Shirt and one Apron, the Property of Anne Male. Guilty.

Samuel Truwell was indicted for the Murder of Samuel Standen, by shooting off a Pistol loaded with Powder, and Ball, whereby the said Samuel Standen receiv'd one mortal Wound on the Left Side, of the Breadth of half an Inch, and the Depth of Six Inches, May 22. He was also indicted on the Coroner's Inquest for Manlaughter.

John Bishop. I am a Shipwright, and the Deceased was my Man, and an honest Fellow he was; he was in a Barge upon the Shore, and I was not above 10 or 12 Yards from him, when he was shot. I can't say the Prisoner shot him. The Prisoner was in the Anstey, and if any of the other Ships had fir'd, the Shot must have hit him in the Belly.

Hezekiah Phillips. I heard a Pistol fire, and was but a little Way from the Anstey. I could see the Smoke from the Stern. God blefs me, said I, when I saw People about the Barge, somebody is kill'd; and so it was. I cannot say the Prisoner fired the Pistol.

A Surgeon depos'd, that the Bullet

went through his Lungs, which was the immediate Cause of his Death.

The Prisoner said, that he fir'd a Pistol, but it was only to frighten the Bomb-boat Woman. The Jury acquitted him.

Benjamin Lobet was indicted for receiving 2 Guineas, one 2 Guinea Piece, four 36 Shilling Pieces, 2 Pieces of the Value of 3 L. 12 s. which Money was stolen by Elizabeth Powell, who was capitally convicted for the said Felony at the Sessions at the Old Bailey the 28th of April last; which Money was the Property of Martha Hammers. The principal Evidence was Ann Anderson (an Accomplice of Powell's) who could not find the Fact upon the Prisoner; and he calling William Tomkinson, Charles Bury, William Chambers, and John Carpenter (all Inhabitants of East Smithfield where the Prisoner lives) to give him a Character, he was acquitted.

The Trials being ended, the Court proceeded to give Judgment as follows:

Received Sentence of Death 14, 3. William Roffe, otherwise Cane, Thomas Smith, otherwise Piggot, and Edward Glover.

For Transportation, 3. Margaret Webster, Thomas Scent, Mary Johnson. Burnt in the Hand 3.

William Gray, Jane Taylor, Mary Mearns. Whipped, 2.

John Carr, Sarah Taylor. John Woodhouse to be imprison'd Six Months in the County Goal, and to find Sureties for his good Behaviour for Six Months afterwards.

Charles Burroughs, who receiv'd Sentence of Death the last Lent Affixes for assaulting Elizabeth Hethwin (an Infant) on the Highway, and taking from her a Gold Necklace, having received his Majesty's Mercy on Condition of Transportation for 14 Years, was brought to the Bar, and received Sentence accordingly.

Samuel Batters, committed for the Murder of James Radford in South Carolina, was order'd to be sent thither to be try'd.

William Hale, Mary Hempstock, Elizabeth Truman, and John Kelly, were, by Order of Court discharged, no Prosecutions appearing against them.